

In the Court of Justice of the Economic Community of West African States (“ECOWAS”)

Between:

1. The Global Justice & Research Project

a non-profit organization registered in the Republic of Liberia

2. [REDACTED]

3. [REDACTED]

4. [REDACTED]

citizens of the Republic of Liberia and the United States of America, on behalf of themselves and members of their family who were victims of the massacre at St. Peter’s Lutheran Church in Monrovia, Liberia, of 29 and 30 July 1990

Plaintiffs

— and —

The Republic of Liberia

an ECOWAS Member State party to the Revised ECOWAS Treaty, the Protocol creating the Court of Justice, and the Supplementary Protocol thereto

Defendant

APPLICATION FOR THE ENFORCEMENT OF FUNDAMENTAL HUMAN RIGHTS

Pursuant to:

- Article 33 of the Rules of Procedure of the Court of Justice;
- Articles 9(4) and 10(d) of Protocol A/P.I/7/91 (as Amended by Supplementary Protocol A/SP.1/01/05) to the Revised Treaty of ECOWAS);
- Articles 1, 4, 5, and 7(1) of the African Charter on Human and Peoples’ Rights (the “ACHPR”);
- Articles 2(3), 6, and 7 of the International Covenant on Civil and Political Rights (the “ICCPR”);
- Articles 2, 7, and 12 of the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (the “CAT”); and
- Articles 3 and 146 of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War (the “Fourth Geneva Convention”) and its Protocol Additional Relating to the Protection of Victims of Non-International Armed Conflicts (“Additional Protocol II”), as well as customary international humanitarian law.

I. PLAINTIFFS

1. The Global Justice & Research Project (“GJRP”) is a non-profit, non-governmental organization incorporated in Liberia and based in Monrovia. GJRP documents conflict-related crimes in Liberia and, where possible, seeks justice for victims of those crimes.¹ GJRP has been actively involved in pursuing accountability for the Lutheran Church Massacre for over a decade. GJRP has filed this case on behalf of the public interest pursuant to the principle of *actio popularis* in accordance with the Court’s jurisprudence.²

2. ██████████ is a dual citizen of Liberia and the United States. ██████████ ██████████. When he was 16 years old, Mr. ██████████ survived the massacre of more than 600 civilians at St. Peter’s Lutheran Church (the “Lutheran Church” or the “Church”), a designated Red Cross shelter in Monrovia, Liberia, on 29 and 30 July 1990 (the “Lutheran Church Massacre” or the “Massacre”). He submits a sworn declaration in these proceedings.³

3. ██████████ is a dual citizen of Liberia and the United States, ██████████ ██████████. She is Mr. ██████████’s eldest sister. At the time of the Massacre, ██████████ was residing in the United States and had lost contact with her family in Liberia. Several members of ██████████’s family were killed in the Massacre. She had no news of her surviving family’s whereabouts until around 1991 when she was finally able to locate Mr. ██████████.⁴

4. ██████████ is a dual citizen of Liberia and the United States, ██████████ ██████████. She is Mr. ██████████’s older sister and Ms. ██████████’s younger sister. Ms. ██████████ survived the Massacre. After the Massacre, Ms. ██████████ fled to the Ivory Coast, where she remained until 2003, when she entered the United States as a refugee.⁵

5. Mr. ██████████, Ms. ██████████ and Ms. ██████████ make this application on behalf of (1) themselves; (2) their approximately 16 family members who were killed during the Massacre, including their mother, ██████████, and their young brother, ██████████ ██████████; and (3) the approximately 8 other family members who survived the Massacre.⁶

6. The Plaintiffs have appointed as Counsel Gaye Sowe, Esq.; Edmund Foley, Esq.; and Oludayo Fagbemi, Esq. Pursuant to Article 55 of the Rules of Court, the Plaintiffs have further appointed the Center for Justice & Accountability (“CJA”) and Debevoise & Plimpton LLP (“Debevoise”) as Agents.⁷ CJA is a non-profit, non-governmental organization incorporated in Washington, DC, dedicated to working with communities impacted by torture, war crimes, crimes against humanity, and other serious human rights abuses to seek truth, justice, and redress using innovative litigation and transitional justice strategies. Debevoise is a global law firm headquartered in New York with expertise in public international law, including in disputes before regional and international courts.

¹ See Ex. PE-42, GJRP Certificate of Business Registration.

² See, e.g. *WAVES v. Sierra Leone*, Judgment No. ECW/CCJ/JUD/37/19 (12 December 2019), p. 15.

³ See Ex. PE-39, Declaration of ██████████ (26 September 2022) (“█████████ Declaration”).

⁴ *Id.*, ¶ 8.

⁵ *Id.*, ¶ 7.

⁶ See *id.*, ¶ 5.

⁷ See Ex. PE-40, GJRP Power of Attorney to CJA and Debevoise (7 December 2021); Ex. PE-41, Plaintiffs’ Powers of Attorney to CJA and Debevoise (September 2022); Ex. PE-44, Plaintiffs’ Representation Agreements and Consent Forms to IHRDA (September 2022).

II. SUBJECT MATTER

7. This complaint alleges that Liberia has violated its obligations under various treaties, as well as customary international law, to investigate and, where appropriate, prosecute serious violations of international human rights and humanitarian law, and to provide redress to victims. These treaties include the ACHPR, the ICCPR, the CAT, and the Fourth Geneva Convention and Additional Protocol II, as well as customary international humanitarian law. The Plaintiffs respectfully request that the Court order Liberia to uphold its obligations to deliver justice, including by investigating and prosecuting those responsible for the Lutheran Church Massacre.⁸

III. FACTUAL BACKGROUND

8. Between 1989 and 2003, Liberia suffered two civil wars: the first from 1989 to 1997 (the “**First Civil War**”), and the second from 1999 to 2003 (the “**Second Civil War**”) (collectively, the “**Civil Wars**”). As the Truth and Reconciliation Commission of Liberia (the “**TRC**”) later found, nearly all parties to the armed conflict committed atrocity crimes. In particular, the TRC identified the Government’s Armed Forces of Liberia (the “**AFL**”) as a “Significant Violator Group[.]” “responsible for committing ‘egregious’ domestic crimes, ‘gross’ violations of human rights and ‘serious’ humanitarian law violations.”⁹ The TRC recommended that Liberia establish a mixed international-domestic war-crimes court—an Extraordinary Criminal Court for Liberia—to investigate and prosecute serious violations of international human rights and humanitarian law, and its final report included a list of the “most notorious perpetrators” recommended for prosecution.¹⁰

9. The Lutheran Church Massacre was among the AFL’s most notorious atrocities. Although Liberia has been aware of the Massacre since it occurred—and the TRC documented the mass killing in its 2009 final report—Liberia has taken no steps to hold the perpetrators responsible, provide redress for the victims and their families, or otherwise implement the TRC’s recommendations.¹¹

A. The AFL Massacred Civilians Seeking Shelter at the Lutheran Church During the First Civil War

1. The AFL Targeted Civilians from the Mano and Gio Ethnic Groups

10. Charles Taylor’s rebel forces, the National Patriotic Front of Liberia, launched the First Civil War in December 1989, reaching the outskirts of Monrovia by June 1990.¹² In the capital, the AFL arrested, detained, harassed, tortured, and executed soldiers and civilians from the Mano and Gio ethnic groups, such as Mr. ██████████ and his family, whom the AFL

⁸ Liberia is party to all five treaties. See **Ex. PE-11**, African Union, ACHPR Status List; **Ex. PE-18**, United Nations, ICCPR Status List; **Ex. PE-35**, United Nations, CAT Status List; **Ex. PE-38**, International Committee of the Red Cross, International Humanitarian Treaties Status List, p. 4.

⁹ See, e.g., **Ex. PE-7**, TRC, Final Report, Volume 1: Findings and Determinations (19 December 2008) (“**TRC Report, Volume I**”), pp. 73-74.

¹⁰ See **Ex. PE-8**, TRC, Volume II: Consolidated Final Report (30 June 2009) (“**TRC Report, Volume II**”), pp. 349-52, 356-58.

¹¹ See, e.g., **Ex. PE-8**, TRC Report, Volume II, pp. 156, 219, 250-52, 281.

¹² See **Ex. PE-29**, Expert Report of Ambassador Dennis C. Jett (16 February 2021) (“**Jett Report**”), pp. 13-15. Ambassador Jett, who served as Deputy Chief of the US Embassy in Monrovia during the Massacre, submitted the annexed expert report in the US court case described at paragraph 22 below.

targeted as potentially sympathetic to the rebels.¹³ To escape the AFL's violence, civilians, including large numbers of Manos and Gios, sought refuge in churches and shelters.¹⁴

11. The Liberian Council of Churches and the Liberian National Red Cross Society established a shelter at the Lutheran Church.¹⁵ The Church was surrounded by flags bearing the distinctive emblem of the Red Cross.¹⁶ Mr. ██████ went to the Church with his mother, siblings, and extended family in early June 1990.¹⁷ Ms. ██████ also sought shelter at the Church.¹⁸ Other family members joined in the following weeks, until around 20 or 25 members of the extended ██████ family were sheltering at the Church.¹⁹ By late July, with violence increasing in the city, approximately 2,000 civilians were sheltering there; the Church had to turn people away for lack of space.²⁰ Mr. ██████'s mother, like many others at the Church, believed that she and her family would be protected at a house of worship.²¹

12. Even though the Church was widely known to enjoy protected status as a Red Cross shelter, aid workers, diplomats, and civilians sheltering at the Church, including Mr. ██████, feared it would become the AFL's next target.²² The AFL's Special Anti-Terrorist Unit (the "SATU") regularly surveilled the Church from mid-June through July, causing some civilians to leave the Church compound in fear.²³ The SATU forces were notorious and easily distinguishable from regular AFL troops given their red berets, red socks, red shirts, and clean uniforms and cars.²⁴

2. On 29 July 1990, the AFL Attacked the Lutheran Church, Including Mr. ██████ and His Family Members, and Murdered 600 Civilians

13. On the night of 29 July 1990, Mr. ██████ was inside the main Church building with his younger brother ██████, who was around 9 years old. Like most nights, Mr. ██████ was too afraid to sleep, "so fearful that we would be attacked and killed in the night." Late that night, Mr. ██████ heard a loud bang. He grabbed his brother and ran to the classroom in the schoolhouse adjoining the Church, where his mother and sisters were sheltering along with other women and children. Mr. ██████ saw soldiers with guns and

¹³ See **Ex. PE-29**, Jett Report, pp. 26-30.

¹⁴ See *id.*, pp. 30-31.

¹⁵ See *id.*, p. 35; **Ex. PE-1**, *Red Cross Gives St. Peter's Church Protection*, DAILY OBSERVER (6 June 1990).

¹⁶ **Ex. PE-1**, *Red Cross Gives St. Peter's Church Protection*, DAILY OBSERVER (6 June 1990); **Ex. PE-2**, "At Least" 200 Reportedly Killed at Church, BBC WORLD SERVICE (30 July 1990); see also **Ex. PE-39**, ██████ Declaration, ¶ 23; **Ex. PE-29**, Jett Report, pp. 35-37; **Ex. PE-37**, US District Court for the Eastern District of Pennsylvania, *Jane W. et al. v. Thomas*, Case No. 2:18-CV-00569-PBT, Memorandum Decision (15 September 2021) ("**Jane W. Decision**"), p. 40 ("The Church was . . . indisputably not a military target.").

¹⁷ See **Ex. PE-39**, ██████ Declaration, ¶ 21.

¹⁸ See *id.*

¹⁹ *Id.*, ¶¶ 21, 24.

²⁰ *Id.*, ¶ 25; see also **Ex. PE-29**, Jett Report, pp. 35-36.

²¹ **Ex. PE-39**, ██████ Declaration, ¶ 23; **Ex. PE-8**, TRC Report, Volume II, p. 281; **Ex. PE-37**, *Jane W. Decision*, p. 39.

²² **Ex. PE-39**, ██████ Declaration, ¶¶ 28-30; **Ex. PE-2**, "At Least" 200 Reportedly Killed at Church, BBC WORLD SERVICE (30 July 1990).

²³ **Ex. PE-39**, ██████ Declaration, ¶ 29; see also **Ex. PE-37**, *Jane W. Decision*, p. 29.

²⁴ **Ex. PE-39**, ██████ Declaration, ¶ 28.

machetes, and he heard people being shot and stabbed. Mr. ██████ and his brother reached the classroom and hid for more than an hour under desks, listening to the killing.²⁵

14. SATU soldiers wearing their distinctive red shirts and red socks entered the classroom where Mr. ██████ and his family were hiding. Mr. ██████'s mother gave a soldier US\$500 in cash to spare her children, but as she turned around, another soldier shot her in the back. ██████ jumped toward his mother, and a soldier struck him in the chest with a knife. He died almost instantly. Lying on the classroom floor, Mr. ██████'s mother called out to her children for help. Mr. ██████ wanted to help her, but he feared that the soldiers might see him and kill him. Fearing for his life, he hid under the desks and among dead bodies until daybreak.²⁶

15. Mr. ██████'s mother, his brother, and approximately 14 other members of Mr. ██████'s family were among the over 600 civilians killed that night. The killings received extensive news coverage from international news outlets, and foreign governments and the United Nations condemned the Massacre.²⁷ Journalists and governments consistently identified AFL soldiers as the perpetrators.²⁸ Nevertheless, the Government immediately tried to deflect responsibility, blaming rebel fighters and denying any involvement in the killings.²⁹

16. The First Civil War ended in 1997 following signature of the Abuja Peace Agreement and general elections in July that brought Charles Taylor to power.³⁰ Fighting resumed in April 1999, and the Second Civil War ended in 2003 following President Taylor's resignation and signature of the Accra Peace Agreement.³¹

B. Liberia Has Taken No Measures to Hold Perpetrators Accountable for Atrocities Committed During the Civil Wars, Including the Lutheran Church Massacre

17. In 2005, Liberia's Legislature established the TRC with a mandate to "[i]nvestigat[e] gross human rights violations and violations of international humanitarian law" from 1979 to 2003, including throughout the "armed conflict during the 1990s."³² The TRC's statute

²⁵ *Id.*, ¶¶ 34-36.

²⁶ *Id.*

²⁷ *See, e.g., Ex. PE-2, Massacre Toll up to 600*, BBC WORLD SERVICE (30 July 1990); **Ex. PE-3**, US Department of State, Liberia: US Deplores Massacre (30 July 1990); **Ex. PE-5, Liberia Troops Accused of Massacre in Church**, NY TIMES (31 July 1990).

²⁸ *See, e.g., Ex. PE-5, Liberia Troops Accused of Massacre in Church*, NY TIMES (31 July 1990); **Ex. PE-4**, US Central Intelligence Agency, Liberia Situation Report as of 1100 Hours Local Time, Cable #C06769226 (30 July 1990) (declassified pursuant to Freedom of Information Act request), ¶ 1 (noting that "Armed Forces of Liberia (AFL) soldiers went on a rampage and attacked refugees at the St. Peter's Lutheran Church"); **Ex. PE-3**, US Department of State, Liberia: US Deplores Massacre (30 July 1990) (attributing the Massacre to AFL soldiers); *see also Ex. PE-37, Jane W. Decision*, p. 29 (finding "state involvement in the Massacre"); **Ex. PE-29**, Jett Report, p. 38.

²⁹ *See, e.g., Ex. PE-2, Massacre Toll up to 600*, BBC WORLD SERVICE (30 July 1990); **Ex. PE-5, Liberia Troops Accused of Massacre in Church**, NY TIMES (31 July 1990).

³⁰ *See Ex. PE-8*, TRC Report, Volume II, pp. 159-64.

³¹ *See id.*, pp. 167-71.

³² **Ex. PE-6**, Act to Establish the TRC (10 June 2005), Preamble; *id.*, § 4(a).

empowered it to make “recommendations” with regard to “prosecutions” but envisioned further Government action, providing that the recommendations “shall be implemented.”³³

18. The TRC’s final report, published in 2009, documented “gross” and “serious” violations of international human rights and humanitarian law.³⁴ The TRC considered the Massacre a “window case[]” of interest to the entire country.³⁵ Its report concluded that the AFL was responsible for massacring 600 civilians—mainly from the Mano, Gio, and Kpelle ethnic groups—sheltering in the Church: “a place of sanctuary—sanctified by God as a place of worship and protection; it became an attractive site for protection from harm *because* it was a sacred place.”³⁶ The TRC wrote:

On the night of July 29, 1990 combatants from the [AFL] surrounded the church and desecrated its sanctity by committing the murder of approximately six hundred persons taking refuge there. First using cutlasses and bayonets and then gunfire, soldiers moved into the sanctuary and classrooms in the outbuildings to locate and kill persons who had sought the protection of the church.³⁷

19. The TRC identified Colonel Youbu Tailay (also spelled Tailey or Tilley), an AFL commander who led a death squad that targeted Gios and Manos, as a perpetrator of the Massacre.³⁸ The report also included Colonel Moses Thomas, a former SATU commander, on its list of “Most Notorious Perpetrators” for the June 1990 “massacre” of “Gio and Mano family members of the AFL.”³⁹ The TRC recommended that the Government establish an Extraordinary Criminal Court for Liberia to investigate and prosecute the crimes and perpetrators the report identified, including Colonel Tailay and Colonel Thomas.⁴⁰

20. Yet, in the 12 years since the TRC published its final report, Liberia has not prosecuted—or even criminally investigated—a *single person* for atrocities committed during the Civil Wars, let alone established a dedicated war-crimes court.

21. Faced with government inaction, victims have campaigned tirelessly for domestic accountability in Liberia. Following the election of President George Weah in January 2018, Liberian civil society lobbied the President and the Legislature to establish a war-crimes court and to criminally investigate and prosecute those responsible for wartime violations.⁴¹ Lovetta Tugbeh, President of the Coalition for Justice in Liberia, urged President Weah in an open letter to implement the TRC’s recommendations.⁴² She stated elsewhere that the

³³ *Id.*, § 26(j)(iv); *id.*, § 48; *see also id.*, § 44.

³⁴ **Ex. PE-8**, TRC Report, Volume II, p. 55.

³⁵ *Id.*, p. 72.

³⁶ *Id.*, pp. 156, 281, 330.

³⁷ *Id.*, p. 281.

³⁸ *See id.*, p. 156.

³⁹ *See id.*, pp. 219, 350-52.

⁴⁰ *See id.*, pp. 349-52.

⁴¹ *See, e.g., Ex. PE-13*, *Liberians Pressure Government, Legislature for Establishment of War Crime Court*, FRONT PAGE AFRICA (9 May 2018); **Ex. PE-15**, Letter from 80 Liberian Civil Society Organizations to President George Weah (20 September 2018).

⁴² **Ex. PE-16**, Lovetta G. Tugbeh, *Dear President George M. Weah: Address Past Human Rights Atrocities to Sustain Peace in Liberia*, MODERN GHANA (4 April 2019).

Lutheran Church Massacre “should not be something buried under the carpet. There has to be accountability. . . . Many of the victims are in pain. They’re still grieving.”⁴³

22. The absence of any effective remedy in Liberia has led survivors of the Lutheran Church Massacre to seek justice abroad. In 2018, four survivors filed a civil lawsuit in the United States against Colonel Thomas for perpetrating the Massacre together with other SATU and AFL soldiers.⁴⁴ In September 2021, the US court held Colonel Thomas responsible for extrajudicial killing, torture, war crimes, and crimes against humanity.⁴⁵ The US court found “no evidence of domestic criminal or civil accountability for war crimes or human rights violations tied to the Liberian Civil Wars” and concluded that the justice system “failed to punish the perpetrators.”⁴⁶ After finding it “difficult to fathom more brutal or egregious acts” and noting that Colonel Thomas has “faced no punishment for leading the atrocity,” the US court awarded each of the four plaintiffs US\$6 million in compensatory damages and US\$15 million in punitive damages.⁴⁷ Despite this, Colonel Thomas—who returned to Liberia in 2019—has still not been subject to criminal investigation.⁴⁸

23. In August 2018, the UN Human Rights Committee expressed its “regret[.]” at “the very few steps taken to implement the bulk” of the TRC’s recommendations and concern that “none of the alleged perpetrators of gross human rights violations and war crimes mentioned in the Commission’s report have been brought to justice.”⁴⁹ The Committee concluded that the failure to ensure justice and accountability fostered a “climate of impunity.”⁵⁰ The Committee called on Liberia to prosecute perpetrators and implement the TRC’s recommendations.⁵¹

24. Domestic and international advocacy for war-crimes prosecutions continued through 2019, gaining support from elders and chiefs in Liberia’s National Traditional Council, and in May 2019, the Liberian National Bar Association drafted a bill to establish a war-crimes court.⁵² On 12 September 2019, President Weah requested that the Legislature advise him on the process of implementing the TRC’s recommendations, including for a war-crimes court.⁵³ One week later, more than half of the Liberian House of Representatives had said

⁴³ **Ex. PE-12**, *SF Organization Sues Man in US Court for Allegedly Leading Massacre in Liberia*, KQED (12 February 2018).

⁴⁴ See **Ex. PE-37**, *Jane W.* Decision, § II. The evidence that the plaintiffs submitted to the US court is available at <https://cja.org/what-we-do/litigation/jane-v.thomas/evidence>.

⁴⁵ **Ex. PE-37**, *Jane W.* Decision, §§ V.C-D.

⁴⁶ **Ex. PE-37**, *Jane W.* Decision, pp. 13, 22.

⁴⁷ **Ex. PE-43**, US District Court for the Eastern District of Pennsylvania, *Jane W. et al. v. Thomas*, Case No. 2:18-CV-00569-PBT, Order (16 August 2022), pp. 1-2.

⁴⁸ See **Ex. PE-30**, *Liberia: Lutheran Massacre Victims Ask US Judge to Find Ex-AFL Colonel Liable for the Slaughter*, FRONT PAGE AFRICA (17 March 2021).

⁴⁹ **Ex. PE-14**, UN Human Rights Committee, Concluding Observations on the Initial Report of Liberia, UN Doc. CCPR/C/LBR/CO/1 (27 August 2018), ¶ 10.

⁵⁰ *Id.*

⁵¹ *Id.*, ¶ 11.

⁵² See, e.g., **Ex. PE-17**, *Starting the Accountability Process: Liberian Lawyers Draft Bill for Establishing War Crimes Court*, FRONT PAGE AFRICA (23 May 2019); **Ex. PE-19**, *Liberia Bar Association Backs Traditional Council Recommendation for War Crimes Court*, FRONT PAGE AFRICA (13 September 2019).

⁵³ **Ex. PE-20**, *Liberia: President Weah Seeks Legislature’s Advice for War Crimes Court*, FRONT PAGE AFRICA (14 September 2019).

they supported the plan.⁵⁴ On 25 September at the UN General Assembly, President Weah reported that he was beginning consultation with the Legislature on creating a court.⁵⁵

25. But upon his return to Liberia in October 2019, President Weah walked back his support, stating: “Why should we focus on the war crimes court now, when we did not focus on it 12 years ago?”⁵⁶ Less than a week later, the Speaker of the House of Representatives Bhofal Chambers removed the creation of a war-crimes court from the House’s agenda.⁵⁷ Fellow legislators and civil society groups strongly condemned Speaker Chambers’ action.⁵⁸

26. Liberia’s failure to investigate and prosecute gross human rights violations and war crimes was a focus of Liberia’s Third Universal Periodic Review before the UN Human Rights Council in 2020. The Council noted that Liberia has failed to implement the Council’s recommendations regarding accountability for crimes committed during the Civil Wars, including establishing a war-crimes court.⁵⁹ The African Commission on Human and Peoples’ Rights (the “**African Commission**”) has condemned Liberia’s failure to criminalize torture, despite its obligation to do so under the CAT.⁶⁰

27. In June 2021, the Liberian Bar Association and civil society representatives presented the Legislature with a revised draft bill for the establishment of a war-crimes court, urging its swift passage.⁶¹ The following month, however, the Senate recommended instead that the President establish a Transitional Justice Commission with no power to prosecute accused perpetrators. As rights groups had warned,⁶² this has further stalled implementation of the TRC’s recommendations. In the 2021 and 2022 legislative sessions, Speaker Chambers again failed to restore the question of a war-crimes court to the House of Representatives’ agenda, instead calling for an indefinite period of consultations on whether to establish such a

⁵⁴ **Ex. PE-21**, *Liberia: 26 Lawmakers Sign Resolution for the War Crimes Court Following President’s Letter*, FRONT PAGE AFRICA (19 September 2019).

⁵⁵ **Ex. PE-22**, UN General Assembly, Address by Mr. George Manneh Weah, President of the Republic of Liberia, UN Doc. A/74/PV.5 (25 September 2019), p. 10.

⁵⁶ *See, e.g., Ex. PE-23*, *Liberia: Pres. Weah Casts Uncertainty over His Support for Establishment of War Crimes Court*, FRONT PAGE AFRICA (2 October 2019).

⁵⁷ **Ex. PE-24**, *Liberia: House Speaker Removes War Crimes Court Resolution from Agenda for Deliberation*, FRONT PAGE AFRICA (7 October 2019); **Ex. PE-25**, “*Be Afraid*”: *One Woman’s Fight to Hold Liberia’s Warlords to Account*, THE GUARDIAN (23 October 2019).

⁵⁸ *See, e.g., Ex. PE-26*, *Liberia: Lawmakers Prepare Removal of Speaker Chambers for “Manipulating” Dual Citizenship Bill, War Crimes Resolution*, FRONT PAGE AFRICA (23 October 2019).

⁵⁹ **Ex. PE-27**, UN Human Rights Council, Compilation on Liberia: Report of the Office of the United Nations High Commissioner for Human Rights, UN Doc. A/HRC/WG.6/36/LBR/2 (6 March 2020), ¶¶ 26-28;

Ex. PE-28, UN Human Rights Council, Report of the Working Group on the Universal Periodic Review: Liberia, UN Doc. A/HRC/46/6 (21 December 2020), ¶¶ 103.131 to 103.136.

⁶⁰ *See* CAT, Article 4(1); **Ex. PE-10**, African Commission, Concluding Observations and Recommendations on the Initial Periodic Report of the Republic of Liberia on the Implementation of the African Charter on Human and Peoples’ Rights (2015), ¶ 29 (noting that Liberia has failed to adopt anti-torture legislation and expressing “regret[]” over the “absence of information on concrete measures taken to combat torture and hold perpetrators accountable”); *see also* African Commission, *Torture in Africa*, <https://www.achpr.org/torturedatabase> (noting that Liberia has not criminalized torture).

⁶¹ **Ex. PE-31**, *Liberian BAR Association in Collaboration with NGOs Submits Bill for Establishment of War and Economic Crimes Court*, FRONT PAGE AFRICA (25 June 2021).

⁶² *See Ex. PE-34*, Human Rights Watch et al., Open Letter on the Recommendation by Liberia’s Senate to Establish a Transitional Justice Commission (27 July 2021).

court.⁶³ Liberian civil society groups have decried the delay as unnecessary, politically motivated, and a barrier to reconciliation.⁶⁴ The Government has taken no steps to investigate or prosecute atrocities committed during the civil wars beyond these failed efforts to establish a war-crimes court.

28. Today, more than three decades have passed with no prosecutions of those responsible for the Lutheran Church Massacre, nor any official apology for the attack.

IV. PLEAS IN LAW

29. In failing to deliver any justice for the victims of the Lutheran Church Massacre, Liberia is in ongoing violation of its obligations under the ACHPR, the ICCPR, the CAT, and international humanitarian law. Specifically, Liberia is failing its obligations to (a) effectively investigate and prosecute violations of the rights to life, freedom from torture, and freedom from war crimes that occurred during the Lutheran Church Massacre and (b) provide an effective judicial remedy to the Massacre's victims.

A. Liberia Has Failed Its Obligations to Investigate and Prosecute Violations That Occurred During the Lutheran Church Massacre

30. Liberia has failed its obligations to investigate and prosecute violations of the rights to (1) life, (2) freedom from torture and cruel and inhuman treatment, and (3) freedom from war crimes that occurred during the Lutheran Church Massacre.

31. In *Dexter Oil Ltd. v. Liberia*, the Court adopted the due diligence standard for effective investigations of rights violations applied by the Inter-American Court of Human Rights in the landmark case of *Velasquez Rodriguez v. Honduras*.⁶⁵ The *Velasquez Rodriguez-Dexter Oil* standard includes three principal elements: (1) the investigation must be "serious," (2) it must be an "effective search for truth by the government," and (3) State authorities must launch it "without delay" once they are "aware of an incident."⁶⁶ Furthermore, the Member State bears the burden to "show that it took *all reasonable steps* available to them to secure the evidence concerning the incident timeously."⁶⁷

1. Liberia Must Investigate and Prosecute Violations of the Right to Life

32. Article 4 of the ACHPR provides: "Human beings are inviolable. Every human being shall be entitled to respect for his life and the integrity of his person. No one may be arbitrarily deprived of this right."⁶⁸ Similarly, Article 6 of the ICCPR provides: "Every human

⁶³ See, e.g., **Ex. PE-36**, *Liberia: House Votes to Hold Constituency Engagements Over War Crimes Court Establishment*, FRONT PAGE AFRICA (20 August 2021).

⁶⁴ **Ex. PE-33**, *Liberian Bar Takes up War Crimes Court Issue with UN Security Council*, NEWS PUBLIC TRUST (18 July 2021); **Ex. PE-32**, *Over Proposed Transitional Justice Commission, Senate Attacked*, HERITAGE (14 July 2021).

⁶⁵ *Dexter Oil Ltd. v. Liberia*, Judgment No. ECW/CCJ/JUD/03/19 (2019), ¶ 89 (quoting in part Inter-American Court of Human Rights, *Velasquez Rodriguez v. Honduras*, Judgment (1988), ¶ 177); see also, e.g. *Hydara v. The Gambia*, Case No. ECW/CCJ/APP/30/11 (2014), p. 7; *Okomba v. Benin*, Judgment No. ECW/CCJ/JUD/05/17 (2017), p. 22; *Adamu v. Nigeria*, Judgment No. ECW/CCJ/JUD/33/19 (2019), p. 13.

⁶⁶ *Dexter Oil Ltd. v. Liberia*, Judgment No. ECW/CCJ/JUD/03/19 (2019), ¶ 89 (quoting in part Inter-American Court of Human Rights, *Velasquez Rodriguez v. Honduras*, Judgment (1988), ¶ 177)).

⁶⁷ *Id.*, ¶ 88 (emphasis added); see also *Jama'a Foundation et al. v. Nigeria*, Judgment No. ECW/CCJ/JUD/04/20 (2020), ¶¶ 115-18.

⁶⁸ ACHPR, Article 4.

being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.”⁶⁹ Attempted killing also violates the right to life.⁷⁰

33. This Court has held that a Member State’s failure to “investigate and prosecute allegations of unlawful killings or to provide redress to victims . . . amount[s] to a violation” of the right to life.⁷¹ The Court has stated that the “importance of punishment of perpetrators *cannot be overemphasised* both in the protection and the prevention of the violation of such rights. States are expected to *bring to book* perpetrators in accordance with . . . the criminal law of that particular state.”⁷² The Court has also upheld the obligation of investigating violations of the right to life under Article 1 of the ACHPR, which requires Liberia to “give effect” to the Charter’s enumerated rights: this Court “has held in plethora of cases that member States have a duty [under Article 1] to protect all persons on its territory and to *investigate and punish* all acts of violations committed on its territory.”⁷³

34. African and international bodies are in accord. For example, the African Commission has stated that the “failure of the State . . . to identify and hold accountable individuals or groups responsible for violations of the right to life *constitutes in itself a violation* by the State of that right”—and that “[t]his is even more the case where there is *tolerance of a culture of impunity*.”⁷⁴ The UN Human Rights Committee has held that “a *criminal investigation and consequential prosecution* are necessary remedies for violations” of the right to life.⁷⁵ And the UN General Assembly has resolved that States must “effectively, promptly, thoroughly, and impartially” investigate gross violations of international human rights law and “*submit to prosecution* the person allegedly responsible for the violations.”⁷⁶

2. Liberia Must Investigate and Prosecute Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

35. Article 5 of the ACHPR provides: “Every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation and degradation of man particularly . . . torture . . . , cruel, inhuman or

⁶⁹ ICCPR, Article 6(1).

⁷⁰ See, e.g. African Commission, General Comment No. 3: The Right to Life (Article 4) (2015), ¶ 8.

⁷¹ *Jama’a Foundation et al. v. Nigeria*, Judgment No. ECW/CCJ/JUD/04/20 (2020), ¶ 116 (citations and international quotation marks omitted); see *Hydara v. The Gambia*, Case No. ECW/CCJ/APP/30/11 (2014), p. 6; *Joshua v. Nigeria*, Judgment No. ECW/CCJ/JUD/02/22 (2022), ¶¶ 96-98; *Breivogel v. Nigeria*, Judgment No. ECW/CCJ/JUD/05/22 (2022), ¶¶ 64-66; see also African Commission, *Gunme et al. v. Cameroon*, Decision, Communication No. 266/03 (2009), ¶ 112.

⁷² *Jama’a Foundation et al. v. Nigeria*, Judgment No. ECW/CCJ/JUD/04/20 (2020), ¶ 116 (emphases added).

⁷³ *Id.*, ¶ 117 (emphasis added) (citing cases); see also African Court, *Zongo et al. v. Burkina Faso*, Judgment, Application No. 012/2011 (2014), ¶ 199.

⁷⁴ African Commission, General Comment No. 3: The Right to Life (Article 4) (2015), ¶ 15 (emphases added); see also African Commission, *Amnesty International et al. v. Sudan*, Decision, Communications No. 48/90, 50/91, 52/91, 89/93 (1999), ¶ 51 (“Investigations must be carried out by entirely independent individuals, provided with the necessary resources, and their findings should be made public and prosecutions initiated in accordance with the information uncovered.”).

⁷⁵ UN Human Rights Committee, *Pestaño et al. v. The Philippines*, Communication No. 1619/2007, UN Doc. CCPR/C/98/D/1619/2007 (11 May 2010), ¶ 7.2 (emphasis added).

⁷⁶ UN General Assembly, Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, Resolution 60/147, UN Doc. A/RES/60/147 (Annex) (21 March 2006) (“**UN Basic Principles**”), ¶¶ 3-4 (emphasis added).

degrading punishment and treatment shall be prohibited.”⁷⁷ Similarly, Article 7 of the ICCPR provides that “[n]o one shall be subjected to torture or to cruel, inhuman, or degrading treatment or punishment.”⁷⁸ The CAT also mandates the prevention and criminalization of “torture,” which Article 1 defines to include certain intentional acts that cause “severe pain or suffering,”⁷⁹ and proscribes “other acts of cruel, inhuman, or degrading treatment or punishment which do not amount to torture as defined in article 1.”⁸⁰

36. States Parties to these treaties must investigate and prosecute torture that occurs on their territory. The CAT contains explicit obligations to that effect.⁸¹ In *Okomba v. Benin*, the Court held that, in cases of alleged violations of Article 5 of the ACHPR, “it is the responsibility of a State to take necessary steps to conduct an effective official investigation,” which “must be carried out impartially and promptly.”⁸² The African Commission has similarly stated that “State Parties shall carry out prompt, impartial, independent and thorough investigations when there are reasonable grounds to believe that torture and other ill-treatment has been committed [and] prosecute those responsible,” including in an armed conflict.⁸³ Violations of the rights to freedom from torture enshrined in Article 5 are among those acts that Article 1 obliges Member States to investigate and punish.⁸⁴

3. Liberia Must Investigate and Prosecute War Crimes

37. As the TRC noted, Article 3 common to the Geneva Conventions, Additional Protocol II, and customary international humanitarian law “apply to all of Liberia’s episodes of conflict,” including the period surrounding the Lutheran Church Massacre.⁸⁵ These sources of law require Liberia, with respect to civilians and other persons taking no active part in hostilities, to, *inter alia*, (1) prohibit “violence to life and person, in particular murder of all kinds”;⁸⁶ (2) protect civilians from being the “object of attack”;⁸⁷ (3) prohibit “outrages upon personal dignity, in particular humiliating and degrading treatment”;⁸⁸ (4) prohibit “any acts of hostility directed against . . . places of worship”;⁸⁹ (5) respect the “distinctive

⁷⁷ ACHPR, Article 5.

⁷⁸ ICCPR, Article 7.

⁷⁹ CAT, Articles 1, 2(1).

⁸⁰ *Id.*, Article 16(1).

⁸¹ *Id.*, Articles 7, 12.

⁸² *Okomba v. Benin*, Judgment No. ECW/CCJ/JUD/05/17 (2017), p. 22.

⁸³ African Commission, General Comment No. 4: The Right to Redress for Victims of Torture and Other Cruel, Inhuman, or Degrading Punishment or Treatment (Article 5) (2017), ¶ 25; *id.*, ¶ 64; *see also id.*, ¶ 27.

⁸⁴ *See Jama'a Foundation et al. v. Nigeria*, Judgment No. ECW/CCJ/JUD/04/20 (2020), ¶¶ 117-19.

⁸⁵ **Ex. PE-8**, TRC Report, Volume II, p. 55; *see id.*, p. 55 (concluding that the Civil Wars period was “best characterized as a non-international armed conflict”); **Ex. PE-7**, TRC Report, Volume I, p. 78, Annex 1 (finding that an episode of armed conflict occurred from mid-December 1989 to early August 1996, during which time international humanitarian law applied); *see also* Fourth Geneva Convention, Article 3; Additional Protocol II, Article 1.

⁸⁶ Fourth Geneva Convention, Article 3(1)(a); *see also* Additional Protocol II, Article 4(2)(a); International Committee of the Red Cross, Customary International Humanitarian Law Database (excerpt) (“**ICRC Database**”), Rule 89.

⁸⁷ Additional Protocol II, Article 13(2); *see also* ICRC Database, Rule 1.

⁸⁸ Fourth Geneva Convention, Article 3(1)(c); *see also* Additional Protocol II, Article 4(2)(e); **PZ-35**, ICRC Database, Rule 90.

⁸⁹ Additional Protocol II, Article 16; *see also* ICRC Database, Rule 38.

emblem” of the Red Cross;⁹⁰ and (6) provide children “with the care and aid they require,” including removing them “temporarily from the area in which hostilities are taking place.”⁹¹

38. International humanitarian law also requires States to investigate and prosecute war crimes that occur during non-international armed conflicts. States Parties’ duty under Article 146 of the Fourth Geneva Convention to “take measures necessary for the suppression of all acts contrary” to the Convention—including those listed in Common Article 3—implies an obligation to investigate and prosecute alleged war crimes.⁹² The International Committee of the Red Cross (the “**ICRC**”) has further recognized the customary rule that “States must *investigate war crimes* allegedly committed by their nationals or armed forces, or on their territory, and, if appropriate, *prosecute the suspects*”—an obligation that “is applicable in both international and non-international armed conflicts.”⁹³ Furthermore, the Rome Statute of the International Criminal Court, which criminalizes serious violations of international humanitarian law amounting to war crimes in non-international armed conflicts, affirms that such crimes “must not go unpunished and that their effective prosecution must be ensured by taking measures *at the national level*.”⁹⁴

39. War crimes breach their victims’ human rights. The African Commission has held that “the determination of whether violations were perpetrated against [a] victim has to be based *not only* on the provisions of the African Charter *but also* the rules of [international humanitarian law] that govern” non-international armed conflicts.⁹⁵ The Commission has also held that the Geneva Conventions “constitute part of the general principles of law recognised by African States” and accordingly takes them into consideration per Articles 60 and 61 of the ACHPR when hearing claims that arise out of armed conflicts.⁹⁶ Furthermore, the African Charter on the Rights and Welfare of the Child (the “**Children’s Charter**”) and the Protocol on the Rights of Women in Africa (the “**Maputo Protocol**”), which supplements the ACHPR, incorporate Member States’ international humanitarian law obligations.⁹⁷

4. Liberia Has Failed to Investigate the Massacre or Prosecute Any Perpetrators

40. Liberia’s abject failure to investigate, arrest, or prosecute any of the perpetrators of the Lutheran Church Massacre is a dereliction of its duty under international human rights and humanitarian law to conduct an effective investigation into the violations that occurred there. The Massacre stands out as one of the deadliest civilian massacres in Liberia’s two

⁹⁰ Additional Protocol II, Article 12; *see also* ICRC Database, Rule 30.

⁹¹ Additional Protocol II, Article 4(3)(e); *see also* ICRC Database, Rule 135.

⁹² Fourth Geneva Convention, Article 146; *see* ICRC, *Articles 146 to 148*, COMMENTARY ON THE FOURTH GENEVA CONVENTION (1958), p. 594.

⁹³ ICRC Database, Rule 158 (emphasis added); ICRC, *Article 3: Conflicts Not of an International Character*, COMMENTARY ON THE FIRST GENEVA CONVENTION (2016), ¶ 879; ICRC, CUSTOMARY INTERNATIONAL HUMANITARIAN LAW, VOLUME I: RULES (2005), pp. 608-10; *see also* UN Basic Principles, ¶ 4.

⁹⁴ Rome Statute of the International Criminal Court, Preamble (emphasis added); *id.*, Article 8(2)(c), (e). Liberia is party to the Rome Statute. **Ex. PE-9**, United Nations, Rome Statute Status List, p. 2.

⁹⁵ African Commission, *Kwoyelo v. Uganda*, Communication No. 431/12 (February 2018), ¶ 148 (emphasis added).

⁹⁶ African Commission, *Democratic Republic of the Congo v. Burundi et al.*, Communication No. 227/99 (May 2003), ¶ 70 (citing ACHPR, Articles 60-61).

⁹⁷ *See* Children’s Charter, Article 22(1); Maputo Protocol, Article 11(1); *see also id.*, Preamble (noting that the ACHPR “provides for special protocols or agreements, if necessary, to supplement the provisions of the African Charter” (citing ACHPR, Article 66)). Liberia is party to both instruments.

Civil Wars.⁹⁸ It is also one of the most heinous atrocities, as Government forces targeted Manos and Gios at an exclusively civilian Red Cross shelter and place of worship with the purpose of intimidating and punishing them for their perceived support of the rebel forces.⁹⁹ A US court found that AFL soldiers committed killings, torture, cruel and inhuman treatment, war crimes, and crimes against humanity during the Massacre.¹⁰⁰ The soldiers also targeted women and children hiding in the schoolhouse adjacent to the main Church building, including Mr. ██████████, his brother, and his mother.¹⁰¹

41. Mr. ██████████ witnessed these violations and survived the AFL's attempt to kill him. He has also sustained severe mental pain and suffering amounting to torture from the threat of imminent death that he faced during the Massacre.¹⁰²

42. Nevertheless, Liberia has conducted not a *single* criminal investigation into the perpetrators of the Lutheran Church Massacre for their violations of the right to life and the law of armed conflict.¹⁰³ Despite the TRC's findings, the Government has failed to open a *single* criminal inquiry into any wartime violation or provide victims a remedy, let alone establish a war-crimes court.¹⁰⁴ Liberia instead has fostered what the UN Human Rights Committee called a "climate of impunity" whereby perpetrators of gross human rights violations not only remain free but even hold high-ranking public office.¹⁰⁵

B. Liberia Has Failed to Provide Access to Justice for the Victims of the Massacre

43. Liberia's failure to effectively investigate and prosecute the Lutheran Church Massacre also violates the victims' rights to remedy. Article 7(1) of the ACHPR provides: "Every individual shall have the right to have his cause heard."¹⁰⁶ Similarly, Article 2(3) of the ICCPR obliges States Parties to "ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity."¹⁰⁷

44. The right to remedy entitles victims to timely judicial recourse for violations, including investigation and prosecution.¹⁰⁸ The UN Human Rights Committee has

⁹⁸ Ex. PE-29, Jett Report, pp. 39-40.

⁹⁹ See ¶ 18 above (citing Ex. PE-8, TRC Report, Volume II, p. 281).

¹⁰⁰ See ¶ 22 above (citing Ex. PE-37, *Jane W.* Decision, §§ V.C-D).

¹⁰¹ See § III.A.2 above.

¹⁰² See Ex. PE-37, *Jane W.* Decision, p. 33 (finding that Massacre victims suffered torture because they faced "threat of imminent death" as soon as the assault on the Lutheran Church began; they all hid for their lives, including under other dead bodies, fearing that they would be killed").

¹⁰³ Cf. *Dexter Oil Ltd. v. Liberia*, Judgment No. ECW/CCJ/JUD/03/19 (2019), ¶ 89 (citing Inter-American Court of Human Rights, *Velasquez Rodriguez v. Honduras*, Judgment (1988), ¶ 177).

¹⁰⁴ See § III.B above.

¹⁰⁵ See Ex. PE-14, UN Human Rights Committee, Concluding Observations on the Initial Report of Liberia, ¶ 10, UN Doc. CCPR/C/LBR/CO/1 (27 August 2018) (expressing "concern that none of the alleged perpetrators of gross human rights violations and war crimes mentioned in the [TRC's] report have been brought to justice and that some of those individuals are or have been holding official executive positions").

¹⁰⁶ ACHPR, Article 7(1).

¹⁰⁷ ICCPR, Article 2(3).

¹⁰⁸ See, e.g., *Sunday v. Nigeria*, Judgment No. ECW/CCJ/JUD/11/18 (2018), pp. 8-9 (finding that Nigeria violated Article 7.1 when it failed to investigate the victim's fiancé after she complained that he had beaten her); *Maïnassara Baré v. Niger*, Judgment No. ECW/CCJ/JUD/23/15 (2015), ¶ 55.

determined that effective remedy includes “bringing to justice the perpetrators of human rights violations.”¹⁰⁹ The African Court on Human and Peoples’ Rights (the “**African Court**”) has found that the right to remedy obliges Member States to use “due diligence to seek out, investigate, prosecute, and put to trial” persons responsible for violations of the right to life.¹¹⁰ Although the State enjoys some discretion over the time it takes to conduct its due diligence, it cannot keep victims waiting indefinitely: in *de Pina v. Guinea-Bissau*, this Court held that the Respondent State violated the right to a remedy when its judicial investigations into the killing of President João Bernardo Vieira did not produce results for more than nine years.¹¹¹ In *Amnesty International et al. v. Sudan*, the African Commission found that the Respondent State had failed to investigate credible reports of extrajudicial killing based on complaints filed between three and six years after alleged summary executions.¹¹²

45. Here, Liberia’s inaction has left the victims of the Lutheran Church Massacre without recourse in domestic courts for more than 30 years. Liberia has even failed even to criminalize torture, foreclosing the possibility of prosecuting perpetrators of the Massacre for that crime. So long as violators walk free and remain in power, survivors live in fear and trauma. Mr. ██████ has not returned to Liberia since 1991 and believes he cannot safely return until those responsible for the Massacre and other violations face justice.

46. In contrast, Colonel Thomas has returned to Liberia, where he lives openly and denies involvement in the Massacre, even after a US court has found him responsible for it. The lack of justice makes Mr. ██████ feel “that a dog on the street of Monrovia had greater value than my mother and the other victims of the Lutheran Church Massacre”—what he describes as a “constant pain.” He seeks criminal accountability for the perpetrators of the Massacre to “serve as an example for future generations and set a precedent that you cannot just wake up and slaughter innocent people, even during a civil war.”¹¹³

V. REMEDIES

47. Liberia must remedy its ongoing violations.¹¹⁴ The African Commission has stated that reparation for violations of the right to life should be “proportional to the gravity of the violations and the harm suffered,” and that reparation for “torture and other ill-treatment . . . includes restitution, compensation, rehabilitation, [and] satisfaction—including the right to the truth, and guarantees of non-repetition.”¹¹⁵ Satisfaction in particular includes “the State’s recognition of its responsibility”; “investigation and prosecution”; “official declaration or judicial decision restoring the dignity, reputation, and rights of the victims and of persons

¹⁰⁹ UN Human Rights Committee, General Comment 31: The Nature of the General Legal Obligation Imposed on States Parties to the Covenant, UN Doc. CCPR/C/21/Rev.1/Add. 13 (26 May 2004), ¶ 16.

¹¹⁰ African Court, *Zongo v. Burkina Faso*, Judgment, Application No. 012/2011 (2014), ¶ 199.

¹¹¹ *de Pina v. Guinea-Bissau*, Judgment No. ECW/CCJ/JUD/15/18 (2018), pp. 9-10.

¹¹² African Commission, *Amnesty International et al. v. Sudan*, Decision, Communications No. 48/90, 50/91, 52/91, 89/93 (1999), ¶ 6.

¹¹³ **Ex. PE-39**, ██████ Declaration, ¶¶ 52, 54.

¹¹⁴ See, e.g. ACHPR, Article 7(1); ICCPR, Article 2(3); UN International Law Commission, Articles on Responsibility of States for Internationally Wrongful Acts, UN Doc. A/RES/56/83 (Annex) (2001) (“**ILC Articles**”), Article 31; ICRC Database, Rule 150; see also UN Basic Principles, ¶ 18.

¹¹⁵ African Commission, General Comment No. 3: The Right to Life (Article 4) (2015), ¶ 19; African Commission, General Comment No. 4: The Right to Redress for Victims of Torture and Other Cruel, Inhuman, or Degrading Punishment or Treatment (Article 5) (2017), ¶¶ 9-10.

closely connected with the victims”; “judicial and administrative sanctions against persons liable for the violations”; “public apologies, including acknowledgement of the facts and acceptance of responsibility”; and “commemorations and tributes to the victims.”¹¹⁶

48. Full reparation for Liberia’s failure to effectively investigate and prosecute the Lutheran Church Massacre thus must include at least three basic elements. *First*, Liberia must immediately commence an independent and effective investigation of the Massacre, including prosecuting those responsible.¹¹⁷ *Second*, Liberia must acknowledge its violations, as well as memorialize and apologize to the victims and their families.¹¹⁸ *Finally*, Liberia must provide appropriate compensation, including material and moral damages.¹¹⁹

VI. REQUEST FOR RELIEF

49. Plaintiffs respectfully request that this Honourable Court:

- (a) Declare that Liberia has violated:
 - (i) Articles 1, 4, 5, and 7(1) of the ACHPR;
 - (ii) Articles 2(3), 6, and 7 of the ICCPR;
 - (iii) Articles 2, 7, and 12 of the CAT; and
 - (iv) Articles 3 and 146 of the Fourth Geneva Convention, and customary international humanitarian law;
- (b) Order Liberia to cease and remedy its violations by:
 - (i) Immediately conducting official, effective, independent investigations into the Lutheran Church Massacre to identify those responsible;
 - (ii) Prosecuting those responsible for the Massacre for violations of domestic and international law;
 - (iii) Compensating Mr. ██████████, Ms. ██████████, and Ms. ██████████ US\$1,500,000 (one million five-hundred thousand US dollars) for the loss of approximately 16 family members and the Government’s subsequent failure to investigate the killings;
 - (iv) Providing just and adequate compensation to all other victims of the Massacre and their families, including for moral damage;
 - (v) Taking steps to memorialize the Massacre’s victims; and
 - (vi) Apologizing to the Massacre’s victims for its violations;

¹¹⁶ African Commission, General Comment No. 4: The Right to Redress for Victims of Torture and Other Cruel, Inhuman, or Degrading Punishment or Treatment (Article 5) (2017), ¶ 44.

¹¹⁷ *See, e.g. Jama’a Foundation et al., v. Nigeria*, Judgment No. ECW/CCJ/JUD/04/20 (2020), p. 44 (ordering Nigeria to hold accountable rights violators accountable); *Darboe v. Gambia*, Judgment No. ECW/CCJ/JUD/01/20 (2020), p. 38 (ordering Gambia to set up an independent panel to identify and punish those responsible for unlawful detention and torture); *cf.* ILC Articles, Article 30(a).

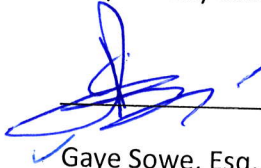
¹¹⁸ *Cf.* ILC Articles, Article 37.

¹¹⁹ *See, e.g., Darboe v. Gambia*, Judgment No. ECW/CCJ/JUD/01/20 (2020), p. 38 (awarding monetary compensation for human rights violations); *cf.* ILC Articles, Article 31.

- (c) Order Liberia to pay the plaintiffs' reasonable attorneys' costs and fees; and
(d) Order any other such relief as the Court may deem just and appropriate.

29 September 2022

Respectfully submitted,



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